



July 26, 2007

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TO: Co-chairpersons Kreiman and Mascher and Members of the
Home-based Child Care Study Committee

FROM: John Pollak, Legal Services Division

RE: Background Information

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Overview. This memorandum is intended to provide basic background information for use in Committee deliberations and for review for the meeting on July 31, 2007. The memorandum itself provides basic information from the Code regarding child care and its regulation. A set of additional background materials accompanies this memorandum and all are tied to the agenda for the July 31, 2007, meeting of the Committee. An initial list of the set of additional materials is attached to the memorandum and the listed materials can be accessed on the internet from links embedded in the list or from the interim committee's webpage at: <http://www.legis.state.ia.us/aspx/Committees/Committee.aspx?id=218>.

Child Care Defined. Code section 237A.1 defines "child care" to mean the care, supervision, and guidance of a child by a person other than the child's parent, guardian, or custodian for periods of less than 24 hours per day per child on a regular basis. The statute includes a list of 13 exceptions ranging from prekindergarten and church-related programs to drop-off programs used when parents are present in the same facility. Unless a person has a developmental disability, "child" means a person age 12 and under.

Child Care Regulation. Iowa has two types of regulated care: registered child development homes and licensed centers. Under Code section 237A.3, unregistered child care providers are known as "child care homes" and may provide child care for five children or fewer at any one time. Code chapter 237A designates the Department of Human Services (DHS) to administer child care regulation.

Record Checks — Subsidized Child Care. Any person who applies for or receives public funding for providing child care,

whether unregistered, registered, or licensed, is subject to criminal and child abuse record checks under Code section 237A.5. If there is a criminal or abuse record, DHS performs an evaluation to determine whether the person should be prohibited from providing child care. If such a prohibition is applied under Code section 237A.19, each day of continuing to provide child care in violation of the prohibition is a simple misdemeanor offense.

Types of Child Development Homes. Under Code section 237A.3A, a registered child development home is classified in categories "A," "B," and "C," depending upon the stringency of the standards met and the capacity of the home, with the "C" category meeting the most stringent standards and having the highest capacity.

Quality Rating System. Iowa is in the process of implementing a voluntary quality rating system for registered and center providers in accordance with Code section 237A.30 (2005 Iowa Acts, ch. 148, § 20). According to the legislation, implementation was to begin after January 1, 2006. Various criteria are used to determine the quality rating for a particular provider.

State Child Care Assistance. The primary program for child care subsidy is the State Child Care Assistance Program implemented under Code section 237A.13 for children from families with low incomes whose parents are engaged in work and training programs, seeking employment, employed with low compensation, or are absent or otherwise unable to provide care due to a health or mental health reason. In addition, assistance is available to children needing protective services to address abuse or neglect. Under 2007 Iowa Acts, S.F. 503, § 1, assistance may also be used if approved by the DHS director for persons age 13 through 15 because special circumstances exist that would place the health and safety of the person at risk if left home alone. Waiting list requirements may be applied if funding is insufficient, but the requirements are not applicable to certain families participating in the Family Investment Program, currently enrolled families when a new child arrives, or when protective services are needed.

As indicated by the LSA Fiscal Services Division Issue Review provided in the additional background materials, reimbursement rates under the program vary according to a provider's registration status and category, and in FY 2007-2008 the program is expected to serve more than 20,000 children at a cost of approximately \$80 million in federal and state funding.

Smoking. Carrying or control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment is prohibited under Code section 237A.3A(5) during a child development home's hours of operation in an area of the home which may be used by the children receiving child care. Administrative Rule 441 IAC 109.10(11) applies a similar ban for child care centers to smoking and the use of tobacco products in the center, outdoor play area, and vehicles during hours of operation.

Other Background Materials

The following materials provide additional background information. They can be reviewed on the internet by clicking on the embedded link and can be printed. These and other materials distributed in connection with the meeting are posted on the interim committee's webpage at: <http://www.legis.state.ia.us/aspx/Committees/Committee.aspx?id=218>. A hard copy of each document will be provided to members in a packet distributed at the July 31, 2007, meeting.

1. This Background Information Memorandum.
2. E-mail message from National Child Care Information Center (NCCIC) regional staff.
3. The federal Department of Health and Human Services, Child Care Bureau, NCCIC, Data Profile of Iowa Child Care from 2005 National Child Care Licensing Study (excerpt) (Recommended by NCCIC).

4. National Association of Child Care Resource and Referral Agencies (NACCRRA) NACCRRA's 2007 Iowa Profile and Iowa Ranking of State Child Care Center Standards and Oversight.
5. NCCIC paper, *Impact of Increased Licensing Regulations on the Quality, Cost and Supply of Child Care*. (Recommended by NCCIC).
6. NCCIC table, Threshold of Family Child Care (June 2007).
7. NCCIC and National Association for Regulatory Administration (NARA), Executive Summary of 2005 National Child Care Survey (Recommended by NCCIC).
8. Position statement of the National Association for the Education of Young Children (NAEYC): *Licensing and Public Regulation of Early Childhood Programs* (Recommended by NCCIC).
9. Research paper, *Measuring Quality in Family, Friend, and Neighbor Child Care*, National Center for Children in Poverty, Bank Street College of Education, January 2005 (Recommended by NCCIC).
10. U.S. Child Care Bureau's Child Care Bulletin, Winter/Spring 2007: Systematic Approaches to Improving Quality of Care: QRS Gains Ground Across the Nation.
11. Issue Review: Child Care Assistance Program, Lisa Burk, Legislative Services Agency, Fiscal Services Division, January 17, 2007.
12. Policy Project Report, *Bridging the Gaps in Iowa*, The Iowa Policy Project, June 2007.
13. H.F. 922 by Committee on Appropriations and the amendments filed to H.F. 922.

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